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APPELLATE CASE FILE NO. 2161, *UNITED STATES v. THE AMISTAD*,  
40 U.S. 518 (15 PETERS 518), DECIDED MARCH 9, 1841,  
AND RELATED LOWER COURT  
AND DEPARTMENT OF JUSTICE RECORDS

Introduction

On the single roll of this microfilm publication, M2012, are reproduced records relating to the lawsuit arising from the capture of the Spanish slave schooner *Amistad* by the U.S. Navy. These records are from the General Records of the Department of Justice, Record Group (RG) 60; Records of the Solicitor of the Treasury, RG 206; Records of District Courts of the United States, RG 21; and Records of the Supreme Court of the United States, RG 267.

Background

In June 1839 the *Amistad*, a Spanish schooner, departed Havana, Cuba, with Puerto Principe, Cuba, as its destination. Its cargo included blacks illegally imported from Africa as slaves in April 1839. (Spanish laws had outlawed slave trading about 1820, although illegal importation of slaves to Cuba continued, and slavery in Cuba itself had not yet been abolished). En route to Puerto Principe, the Africans revolted, killed the captain (Raymon Ferrer) and another crew member, and forced two remaining Spaniards aboard (Jose Ruiz and Pedro Montez) to agree to steer the schooner for Africa. Instead, they deceived the Africans and steered the vessel to the vicinity of Long Island Sound, where it was seized on August 26, 1839, by the U.S. brig *Washington*. The brig's commander, Lt. Thomas R. Gedney, conveyed the Africans to New London, CT, and had the schooner taken to New Haven, CT, where District Court Judge A.J. Judson adjudicated Lt. Gedney's salvage claim and other libels filed against the *Amistad*, its material cargo, and its human cargo. Pursuant to the Treaty of 1795, the U.S. Government filed a libel on behalf of the Spanish Government, asking restoration of the schooner, its cargo, and the slaves as property of Spanish subjects.

The U.S. District Court for the District of Connecticut allowed Lt. Gedney's salvage claim for the vessel and its material cargo and allowed the claims of the representatives of Captain Ferrer to his slave, Antonio, but rejected claims that the other slaves were the property of Ruiz or Montez, or that they should be delivered to the Spanish Government. Instead, the District Court decreed that they should be returned to Africa by the U.S. Government, pursuant to an Act of Congress of March 3, 1819 (3 Stat. 532-534).

The U.S. Attorney appealed the court's decision, except for the disposition of Antonio, to the U.S. Circuit Court for the District of Connecticut. Owners of the material cargo also appealed, but Ruiz, Montez, and owners of the *Amistad* did not appeal. The Circuit Court affirmed by a pro forma decree (an appealable decree or judgment rendered, not on the conviction that it is right, but rather to facilitate further

proceedings) but reserved the question of salvage of the material cargo.

The U.S. Attorney then appealed to the U.S. Supreme Court. In that court former President John Quincy Adams joined counsel for the Africans. The Supreme Court affirmed the decisions of the lower courts but reversed that part directing that the slaves to be returned to Africa. The Court analyzed in detail the provisions of the Treaties of 1795 and 1821 and determined that they did not apply to the facts presented in this case. The Court further decided that the Africans should be considered free, since they had arrived in the U.S. not as slaves, but as free men in possession of the *Amistad*.

During these legal proceedings, the Africans had been incarcerated at New London, CT. After the Supreme Court ruled that they were free, the American Board of Missions and abolitionists raised funds to pay for their return to Africa. Their ship, the *Gentleman*, departed New York City on November 26, 1841, and arrived at Freetown, Sierra Leone, in January 1842.

#### Records Description

Records reproduced in this microfilm are arranged by Federal agency in the following order: Department of Justice; Solicitor of the Treasury; U.S. District Court for the District of Connecticut; U.S. Circuit Court for the District of Connecticut; and U.S. Supreme Court.

#### **Records of the Department of Justice (RG 60)**

Three series of Department of Justice records include references to the *Amistad*: (1) Letters Received by the Attorney General's Office, 1809-70; (2) General Letter Books of the Attorney General's Office, 1818-70; and (3) Opinion Books of the Attorney General's Office, 1817-70.

The Letters Received by the Attorney General's Office, 1809-70, are arranged by source of letter (such as from officials in the state of Connecticut or the Department of the Treasury) and thereunder chronologically. See Entry 9, Preliminary Inventory (PI) 194, *Preliminary Inventory of the General Records of the Department of Justice* (Washington, DC: National Archives, 1981). This record series (which targets in the microfilm refer to by its former designation, "Attorney General's Papers-Letters Received") include the following letters addressed to the Attorney General regarding this case:

#### Received from Connecticut:

1. From W.S. Holabird, District Attorney, Winchester, Feb. 3, 1840. 3 pages.
2. From W.S. Holabird, District Attorney, Winchester, Mar. 9, 1840. 3 pages.
3. From Charles A. Ingersoll, Clerk of the Circuit Court, New Haven, Aug. 31, 1840. 2 pages.
4. From Charles A. Ingersoll, Clerk of the Circuit Court, New Haven, Nov. 18, 1840. 2 pages.
5. From Roger S. Baldwin, Counsel for the Africans, Nov. 21, 1840. 3 pages.
6. From W.S. Holabird, District Attorney, Winchester, Dec. 14, 1840. 3 pages.

#### Received from the Treasury Department:

1. From Lewis Woodbury, Secretary of the Treasury, Dec. 8, 1840. 3 pages.

#### Received from Foreign Diplomats:

1. From Chevalier d'Argaiz, Spanish Minister to the United States, Washington, DC, Dec. 10, 1840, in French. 2 pages.
2. From d'Argaiz, Washington, DC, Dec. 10, 1840, in French. 2 pages.
3. From d'Argaiz, Bordentown, NJ, Feb. 27, 1842, in French. 3 pages.

Received from the House of Representatives:

1. From Representative Seth M. Gates, Dec. 12, 1840. 2 pages.

Received from New York:

1. From Lewis Tappan, New York, Nov. 11, 1840. 2 pages.
2. From Lewis Tappan, New York, Dec. 30, 1840. 2 pages.

Received from the State Department:

1. From John Forsyth, Secretary of State, Apr. 8, 1840. 2 pages.
2. From John Forsyth, Secretary of State, Dec. 9, 1840. 2 pages.

Received from the Navy Department:

1. From J.K. Paulding, Secretary of the Navy, Mar. 27, 1840. 2 pages.
2. From A.P. Upshur, Secretary of the Navy, Dec. 9, 1840. 5 pages.
3. From A.P. Upshur, Secretary of the Navy, Jan. 13, 1842. 2 pages.

The General Letter Books of the Attorney General's Office, 1818-70, which contain letters sent by the Attorney General (see Entry 10, PI 194), include the following correspondence regarding the *Amistad* in Volume A2:

1. Page 433, Attorney General Felix Grundy to District Attorney W.S. Holabird, Oct. 30, 1839.
2. Pages 444-445, Attorney General H.D. Gilpin to W.S. Holabird, Mar. 27, 1840.
3. Page 449, Attorney General H.D. Gilpin to Secretary of State John Forsyth, May 7, 1840.
4. Page 479, Attorney General H.D. Gilpin to R.I. Ingersoll, Sept. 4, 1840.
5. Pages 485, Attorney General H. D. Gilpin to Lewis Tappan, Nov. 14, 1840.
6. Page 485-486, Attorney General H.D. Gilpin to Roger S. Baldwin, Nov. 23, 1840.
7. Page 486, Attorney General H.D. Gilpin to Charles A. Ingersoll, Clerk of the Circuit Court, Nov. 27, 1840.
8. Page 487, Attorney General H.D. Gilpin to Representative Seth M. Gates, Dec. 15, 1840.
9. Pages 488-490, Attorney General H.D. Gilpin to President Martin Van Buren, Dec. 1840.
10. Page 491, Attorney General H.D. Gilpin to Lewis Tappan, Dec. 28, 1840.
11. Page 492, Attorney General H.D. Gilpin to Lewis Tappan, Jan. 4, 1841.

The General Letter Books of the Attorney General's Office include in Volume B the following correspondence regarding the *Amistad*:

1. Page 81, Attorney General Felix Grundy to Wm. S. Holabird, Oct. 30, 1839.
2. Page 81, Attorney General Felix Grundy to Ralph I. Ingersoll, Nov. 5, 1839.
3. Page 83, Attorney General Felix Grundy to R.I. Ingersoll, Nov. 12, 1839.

3. Pages 83-84, Attorney General H.D. Gilpin to W.S. Holabird and R.I. Ingersoll, Nov. 15, 1839.
4. Page 89, Attorney General H.D. Gilpin to W.S. Holabird, Mar. 27, 1840.

The Opinion Books of the Attorney General's Office, 1817-70 (see Entry 2, PI 194), include the following in concerning the *Amistad* in Volume E:

1. Pages 280-285, Attorney General Felix Grundy to Secretary of State John Forsyth, Nov. 1839.
2. Page 296, Attorney General H.D. Gilpin to Secretary of the Navy J.K. Paulding, Apr. 11, 1840.
3. Page 366, Attorney General H.D. Gilpin to Secretary of the Treasury Levi Woodbury, Dec. 5, 1840.

### **Records of the Solicitor of the Treasury (RG 206)**

Three series of Solicitor of the Treasury records include references to the *Amistad*: (1) Letters Received from U.S. District Attorneys, Marshals, and Clerks of Court, 1801-1898; (2) Letters from U.S. Attorneys, 1839-1845; and (3) Letters Sent, 1820-1934.

The Letters Received from U.S. District Attorneys, Marshals, and Clerks of Court, 1801-1898, are arranged alphabetically by state, thereunder by judicial district, and thereunder chronologically. See Entry 42, PI 171, *Preliminary Inventory of the Records of the Solicitor of the Treasury* (Washington, DC: National Archives, 1968). This series includes one letter concerning *Amistad*, which is from W.S. Holabird, District Attorney, Winchester, CT, September 6, 1839, and includes a newsclipping enclosure from *The Hartford Intelligence* of September 27, 1839. 4 pages.

The Letters from U.S. Attorneys, 1839-1845, which consists of letters relating to pending lawsuits (see Entry 43, PI 171), includes in "Volume 1839-1841," a letter from W.S. Holabird, District Attorney, Winchester, CT, September 21, 1840. 1 page.

The Letters Sent, 1820-1934, by the Solicitor of the Treasury (see Entry 67, PI 171) includes one addressed to W.S. Holabird, Winchester, September 13, 1839. 1 page.

### **Records of the U.S. District Court for the District of Connecticut (RG 21)**

Records of the U.S. District Court for the District of Connecticut that relate to the *Amistad* include the following:

1. Docket, 1816-1841. 5 pages.
2. Final Records, Volume 10, pages 105-143. 38 pages.
3. Case Files 1839 and January 1840 Terms. About 450 pages.

These records are currently (1997) in the National Archives and Records Administration—Northeast Region (Boston).

### **Records of the U.S. Circuit Court for the District of Connecticut (RG 21)**

Records of the U.S. Circuit Court for the District of Connecticut that relate to the *Amistad* include the following:

1. Docket, 1815-1843. 5 unnumbered pages.
2. Records, Law, Volume 9, 1831-1844, pages 417-460 and 467-472. 48 pages.
3. Case Files, Sept. 1839, Apr. 1840, and Sept. 1840 Terms. 42 pages.

These records are currently (1997) in the National Archives and Records Administration–Northeast Region (Boston).

### **Records of the U.S. Supreme Court (RG 267)**

Four series of U.S. Supreme Court records include material relating to the *Amistad*: (1) Appellate Jurisdiction Case Files (Entry 16, PI 139, *Preliminary Inventory of the General Records of the Supreme Court of the United States* [Washington, DC: National Archives, 1962]); (2) Engrossed Dockets (Entry 7, PI 139); (3) Engrossed Minutes (Entry 4, PI 139); and (4) Appellate Jurisdiction Opinions (Entry 17, PI 139). More specifically, the records include:

1. *The United States v. The Amistad*, Appellate Case No. 2161 (part)
  - a. Transcript of record (including, in part, the indictment, writs of habeas corpus, libels, and marshals' returns on the libels) from the U.S. Circuit Court for Connecticut, filed in the Supreme Court, Dec. 5, 1840. About 155 pages.
  - b. Certiorari (an order to a lower court to certify the record of a case and send it to the Supreme Court; used in cases in which the Supreme Court has discretion as to whether or not it will hear an appeal) and return, chiefly including depositions and testimony of various persons, filed in the Supreme Court, Feb. 12, 1841. About 145 pages.
2. Engrossed Docket, Volume "E," page 2310. Docket record of the history of the case from the filing of papers on Dec. 5, 1840, through the Supreme Court's issuance of a Mandate (a judicial order directing the proper official to enforce a judgment, sentence, or decree) on May 4, 1841, to the State Department.
3. Engrossed Minutes, Volume "I," pages 4277 (Jan. 16, 1841), 4280 (Jan. 20, 1841), 4304-4306 (Jan. 25, 1841), 4373 (Feb. 20, 1841), 4376 (Feb. 22, 1841), 4379 (Feb. 23, 1841), 4381 (Feb. 24, 1841), 4385 (Mar. 1, 1841), 4395 (Mar. 2, 1841), and 4415-4416 (Mar. 9, 1841).
4. *The United States v. The Amistad*, Appellate Case No. 2161 (part)
  - a. Motion to dismiss the appeal, filed Jan. 13, 1841. 6 pages.
  - b. Motion of John Quincy Adams for certiorari, etc., filed Jan. 25, 1841. 3 pages.
  - c. Decree of the Supreme Court, rendered Mar. 9, 1841. 4 pages.
  - d. Mandate of the Supreme Court, issued Mar. 9, 1841. 2 pages.
5. Opinion, Justice Joseph Story, dated Mar. 9, 1841. 15 pages.

#### Related Microfilm

Records relating to the *Amistad* have also been reproduced on the single roll of National Archives Microfilm Publication M1753, *Records of the U.S. District and Circuit Courts for the District of Connecticut: Documents Relating to the Various Cases Involving the Spanish Schooner Amistad*.

#### Related Records

Other records relating to the *Amistad* are not included in this microfilm publication. The Records of the U.S. Senate, RG 46, and the Records of the U.S. House of Representatives, RG 233, probably also

contain references to the *Amistad*. Any Congressional debate on the subject may be found in the *Congressional Globe* (Washington, DC: Francis P. Blair and John C. Rives, 1833-1873). The published opinion of the U.S. Supreme Court may be found in law libraries in the *United States Reports* at 40 U.S. 518 (15 Peters 518).

General Records of the Department of State, RG 59, relating to the *Amistad* have previously been reproduced in four other National Archives microfilm publications. The *Notes to Foreign Legations in the United States From the Department of State, 1834-1906*, M99 (roll 85) includes the following communications addressed to the Spanish Legation:

1. Dec. 12, 1839: Secretary of State John Forsyth acknowledges receipt of recent notes from the Spanish Legation concerning the *Amistad* and its occupants, and states that the imputed delay in the case is consonant with the importance of it, that the Spanish minister does not accurately interpret the nature and workings of the American judicial process, and that the Federal Government has not absolved itself of any responsibility for the case.

2. Jan. 6, 1840: Secretary of State John Forsyth indicates that the U.S. will accede to the request of the Spanish minister and provide naval escort in conveying the *Amistad* and its occupants to Cuba, together with any and all pertinent documents, if the necessity arises.

3. May 9, 1840: State Department acknowledges note from the Spanish minister intimating his approval of the resolutions of the Senate Foreign Relations Committee on the *Amistad* case, and says that the President, who is in sympathy with these resolutions, is nevertheless obliged to adhere to certain established rules of conduct in these matters.

4. Apr. 3, 1841: State Department forwards two letters to the Spanish minister, one of them from a U.S. Judge of the Circuit Court, relative to Antonio, the African aboard the *Amistad* who was declared to be a slave.

5. Sept. 1, 1841: Secretary of State Daniel Webster acknowledges the Spanish minister's note of May 29 that suggests that the provisions of the treaty of 1795 were not precisely respected in the *Amistad* case. Webster's response, totaling seven pages, is a statement of policy to the effect that the Spanish minister has no grounds for charging illegal or criminal conduct on the part of the United States in the matter, that the treaty provisions of 1795 are adjudicable in a domestic court, and that the minister does not properly appreciate the American judicial system.

6. June 21, 1842: Secretary of State Daniel Webster's second major statement on the question, totaling 12 pages, in which he states that a factual synopsis of the case is the best evidence for concluding that, unless the Spanish Government can show and prove that the *Amistad* decision was corruptly decided or failed to conform to established principles of equity, justice, and impartiality, it has no grounds for remonstrance. Extradition, according to Webster, lies within the discretion of the government directly concerned; such a decision is primarily unilateral.

The notes from the Spanish minister, which the preceding notes respond to, have been reproduced in *Notes From the Spanish Legation in the United States to the Department of State, 1790-1906*, M59 (roll 13).

Letters written by the Secretary of State to persons in the United States concerning this case have been reproduced in *Domestic Letters of the Department of State, 1784-1906*, M40 (roll 28). They include the following communications:

1. Secretary of State John Forsyth to W.S. Holabird, Sept. 11, 1839, stating that the department has received a communication from the Spanish minister invoking the treaty of 1795 and demanding release

of the *Amistad* and its occupants. Papers are to be laid before the President, and Holabird should do nothing to place the matter beyond Federal control in the meantime.

2. Forsyth to W.S. Holabird, Sept. 23, 1839, requesting copies of the ship's papers and a transcript of the inquiry just held.

3. Forsyth to Attorney General Felix Grundy, Sept. 24, 1839, forwarding pertinent documents in the *Amistad* case and requesting that an opinion be rendered on the merits of the Spanish minister's appeal to the treaty of 1795.

4. Forsyth to Secretary of the Navy James K. Paulding, Jan. 7, 1840, acknowledging receipt of recent letter stating that the U.S. schooner *Grampus* is to be ordered to New Haven to stand by pending a decision in the *Amistad* case and the possible return of the Africans to Havana.

5. Forsyth to W.S. Holabird, Jan. 6, 1840, stating in response to appeal of the Spanish minister, that the U.S. will provide a naval escort for the *Amistad* once the decision is rendered, that Lieutenants Gedney and Mead will be ordered to Cuba to provide testimony in any proceedings held there, that Holabird is to insure that these officers are in possession of all pertinent documents, and that the *Amistad* is to be safeguarded until released to the representative of the Spanish Government.

6. Forsyth to W.S. Holabird, Jan. 12, 1840, instructing him to execute the President's wishes unless an appeal is filed in the case, that he is not to take such an appeal for granted, and that should the decision not be as anticipated, Holabird himself is to file an appeal.

7. Forsyth to W.S. Holabird, Jan. 17, 1840, forwarding instructions that the President desires the late *Amistad* decision to be appealed, and that he in the meantime is to work with any movement interested in preventing the diminution in value of the ship, consonant with the rights of all concerned.

8. Forsyth to W.S. Holabird, Feb. 8, 1840, stating that in accordance with the wishes of the Spanish minister, the Negro Antonio of the *Amistad* is to remain in the U.S.

Other letters received by the State Department concerning this case have been reproduced in *Miscellaneous Letters of the Department of State, 1789-1906*, M179 (rolls 89-90):

1. W.S. Holabird, U.S. District Attorney, Winchester, CT, to Secretary of State, Sept. 5, 1839, apprising him of the detention of 41 Africans from the ship *Amistad*, explaining that the court is to sit Sept. 17, and asking that he be assigned an assistant.

2. Holabird to Secretary of State, Sept. 9, 1839, inquiring after treaty provisions which exist and which may authorize release of the Africans to the Spanish Government, and whether this can be done before court convenes.

3. Robert Routoul, Jr., Boston, to President, Sept. 12, 1839, interpreting stir of public interest in the *Amistad* case.

4. Seth Staples and Theodore Sedgwick, New York, counsel for defense of the Africans, to Secretary of State, Sept. 13, 1839, presenting their views on the case, and requesting that they be notified in advance if the Africans are to be released to the Spanish Government since they intend to contest the surrender.

5. Holabird to Secretary of State, Sept. 21, 1839, acknowledging receipt of department's instructions.

6. Holabird to Secretary of State, Oct. 13, 1839, indicating the *Amistad* ship papers are not yet available for transmission as requested but will be forwarded at the earliest opportunity.

7. Holabird to Secretary of State, Nov. 5, 1839, forwarding copies of *Amistad* papers and of first warrant issued upon incarceration of the Africans. The enclosures include a manifest of *Amistad*'s cargo, and identification of 41 occupants, including names (in Spanish with translation).

8. Holabird to Secretary of State, Nov. 14, 1839, stating that his health is poor and saying that he still desires to have an assistant in the case.

9. Holabird to Secretary of State, Jan. 11, 1840, requesting further instructions in the case, which is shortly to go to court.

10. Holabird to Secretary of State, Jan. 28, 1840, stating he has filed an appeal in the case, and that he will publish his opinion on the case at the urging of the District Judge.

### Publications

The published literature on the *Amistad* case includes Maurine Rothschild, *The Story of the Amistad* (New York: Ram Press, 1961); Howard Jones, *Mutiny on the Amistad: The Saga of a Slave Revolt and its Impact on American Abolition, Law, and Diplomacy* (New York: Oxford University Press, 1987); and Edwin P. Hoyt (a.k.a. Christopher Martin), *The Amistad Affair* (London & New York: Abelard-Schuman, 1970). There are also accounts in Charles Warren, *The Supreme Court in United States History* (Boston: Little, Brown, and Company, 1935), Vol. II, pages 73-76; and Homer Cummings and Carl McFarland, *Federal Justice* (New York: The MacMillan Co., 1937), pages 171-174.

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